

Regular Session, 2009

SENATE BILL NO. 187

BY SENATOR HEITMEIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MOTOR VEHICLES. Provides for medical exemptions to the window tint prohibition on motor vehicles. (8/15/09)

AN ACT

To amend and reenact R.S. 32:361.2, relative to motor vehicle equipment; to provide relative to medical exemptions from prohibitions on certain window tinting; to provide relative to the contents of an affidavit for such medical exemption; to require certain information; to provide for decals and display of decals; to provide for certain departmental and board actions; to provide for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:361.2 is hereby amended and reenacted to read as follows:

§361.2. Medical exemption

A.(1) The provisions of R.S. 32:361.1 do not apply to a motor vehicle registered in this state where the registered owner, spouse or family member operating or authorized to operate the motor vehicle has an affidavit signed by an optometrist or physician, including but not limited to an ophthalmologist or dermatologist licensed to practice in this state stating that such person has a physical or medical condition involving the effects of the sun that makes it necessary to equip the motor vehicle with sun screening material which would be of a light transmission

1 or luminous reflectance in violation of R.S. 32:361.1. A copy of the affidavit shall
2 be kept in the motor vehicle at all times.

3 (2) Attached to the affidavit shall be a standard form issued by the
4 department and answered and signed by the optometrist or physician, including
5 but not limited to an ophthalmologist or dermatologist licensed to practice in
6 this state. The standard form, prepared by the Office of State Police, shall list
7 the American Medical Association Journal recognized conditions that would
8 qualify an individual for a medical exemption under this Section. Included on
9 the form shall be a section for the optometrist or physician, including but not
10 limited to an ophthalmologist or dermatologist licensed to practice in this state,
11 to describe a medical condition that is not listed on the form as a condition
12 requiring a medical exemption under this Section. The final decision to accept
13 the non-listed medical condition as one that qualifies for the medical exemption
14 under this Section shall rest with the Medical Advisory Board, who shall have
15 final judgment on whether the medical condition in question qualifies for a
16 medical exemption under this Section. A copy of this form shall be kept in the
17 vehicle at all times.

18 (a) If the optometrist or physician, including but not limited to an
19 ophthalmologist or dermatologist licensed to practice in this state, finds
20 photophobia as the medical condition requiring the medical exemption provided
21 for in this Section, the optometrist or physician shall write in the appropriate
22 section why a correct pair of sunglasses will not provide the necessary
23 protection, and why the window tint will not affect the person's ability to drive
24 at night.

25 (b) An individual seeking the medical exemption shall sign a notarized
26 release authorizing the release to the department of all medical records dealing
27 with the exemption.

28 ~~(2)~~(3)(a) Any medical exemption granted shall be due to a diagnosed
29 condition made only by an optometrist or physician, including but not limited to an

ophthalmologist or dermatologist licensed to practice in this state, and such condition shall be verifiable in the American Medical Association Journal as a recognized condition that would warrant an exemption pursuant to this Section.

(b) The secretary or his designated representative shall conduct a case-by-case review of grants and denials and shall make such changes as he deems necessary based on evidence presented to him by a person seeking an exemption.

(c) Any exemption granted under the provisions of this Section shall be subject to review every ~~three~~ years unless deemed otherwise by the department.

(d) Persons convicted of violent crimes or drug offenses shall not be eligible for a medical exemption. At the time of applying for the exemption, the applicant shall provide written consent on a form approved by the Louisiana Bureau of Criminal Identification and Information authorizing the bureau to release any information contained in the applicant's criminal history record and identification files to the office of state police for verification that the applicant has not been convicted of a violent crime or drug offense.

(e) Any exemption issued shall be subject to administrative review and possible cancellation as a result of a documented event involving a threat to police officer safety.

B.(1) The affidavit shall include a description of the vehicle and shall be in the possession of the person so afflicted, or the person's legal representative, at all times while being transported in the motor vehicle or be kept within the described vehicle.

(2) The registered owner, spouse or family member operating or authorized to operate the motor vehicle with the medical exemption, shall display on the motor vehicle two decals issued by the department that identify the motor vehicle as a licensed motor vehicle for medically-exempted window tint.

(a) The department shall design the decals and establish regulations as to where the decals shall be located on the motor vehicle.

1 **(b) The failure of the registered owner, spouse or family member**
2 **operating or authorized to operate the motor vehicle, to place the required**
3 **decals on the motor vehicle according to the regulations of the department shall**
4 **be treated as a violation of R.S. 361.1 even though the vehicle may have a legal**
5 **medical exemption,**

6 ~~(2)~~**(3)** If a vehicle is traded or sold that is covered by an exemption, then the
7 person accepting the vehicle to be transferred shall be responsible for removing the
8 tint, unless the new owner has applied for and received an exemption.

9 **C. The registered owner, spouse or family member operating or**
10 **authorized to operate the motor vehicle, shall renew the medical exemption with**
11 **the department each year.**

12 ~~C.~~**D.** Any medical exemption issued prior to January 1, 2005 shall expire one
13 year from the date of issuance.

14 ~~D.~~**E.** Any exemption granted pursuant to this Section shall not apply to the
15 area below the top six inches of a motor vehicle windshield.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Present law provides medical exemption to prohibitions on certain window tint on motor vehicles.

Proposed law requires medical personnel issuing the required affidavit for a medical exemption to answer a standard form prepared by the Office of State Police and include the form with the affidavit. Provides that Louisiana Medical Advisory Board shall review and decide whether a medical condition not listed on the form qualifies for the medical exemption

Proposed law requires the individual seeking the medical exemption to sign a notarized release authorizing the release of all medical records dealing with the medical exemption to the Department of Public Safety.

Proposed law requires the registered owner, spouse or family member operating or authorized to operate the motor vehicle with the medical exemption to display two decals issued by the Department of Public Safety.

Proposed law requires the medical exemption to be renewed each year.

Effective August 15, 2009.

(Amends R.S. 32:361.2)